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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,005	10/12/2000	Shoei Kobayashi	202702US6	7667

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 07/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/689,005

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

Kim-Kwok CHU

**Art Unit**

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 4/22/03 (paper 7).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \*   c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Remarks***

1. Applicant's Reconsideration (paper 7) filed on April 22, 2003 have been fully considered but they are not persuasive.

(a) In the Remarks, on page 7, last line to page 8, lines 1 and 2, Applicant states that Claims 1 and 6 patenably define over Inokuchi because they require "a pulse must be actually produced during a wobble signal disturbance period occurring when switching the recording/reproducing apparatus between at least one of recording and reproducing operations". Accordingly, Inokuchi, in Fig. 1, teaches that a gate signal (pulse) from a gate signal generator 12 is used to synchronize all circuits including the PLL circuit and read/write circuits.

During a wobble disturbance period such as an abnormal track jump in any situation which includes a switching operation of recording/reproducing mode, Inokuchi's gate signal is used to clock the PLL circuit. The PLL circuit therefore generates a synchronization clock signal.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless -  
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.*

3. Claims 1 and 6-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by Inokuchi et al. (U.S. Patent 6,172,952).

Inokuchi teaches a recording/reproducing apparatus for recording and reproducing data on and from a disk-shaped recording medium having the following elements and means as recited in claims. For example, Inokuchi teaches the following:

(a) as in claim 1, the recording medium has an address data area having emboss pits and a recording/reproducing area having a wobbling spiral groove (Figs. 2A and 2B);

(b) as in claim 1, a head means 3 for reading address data from the address data area and writing and reading a signal in and from the recording/reproducing area (Fig. 1);

(c) as in claim 1, wobble-signal processing means 4 for extracting a wobble signal from the signal the head means 3 obtained from the wobbling spiral groove (Figs. 2A and 2B; column

10, lines 45-50);

(d) as in claim 1, providing the wobble signal to a PLL circuit means 17-21 for producing a sync signal from the wobble signal (Fig. 1, column 12, lines 19-32);

(e) as in claim 1, pulse means 12 for producing a pulse at least during a wobble signal disturbance period occurring when switching the recording/reproducing apparatus between at least one of recording and reproducing operation (Fig. 1; column 11, lines 15-17);

(f) as in claim 1, for providing the pulse to the PLL circuit means (Fig. 1; column 11, lines 15-17);

(g) as in claim 1, the PLL circuit means 17-21 further providing an unchanging sync signal during the wobble signal disturbance period in response to receiving the pulse (Fig. 1; the sync signal does not change during an abnormal track jump; column 17, lines 51-57); and

(h) as in claim 7, the pulse means 12 is connected to provide the pulse to an input gate of the PLL circuit means 17-21 also receiving the wobble signal from the wobble signal processing means 4 (Fig. 1; charge pump means 18 receives gate signal from gate signal generator 12 and wobble signal from comparator 17).

4. Method claims 6 and 8 are drawn to the method of using the corresponding apparatus claimed in claims 1 and 7. Therefore method claims 6 and 8 correspond to apparatus claims 1 and 7 and are rejected for the same reasons of anticipation as used above.

5. Claims 9 and 10 have limitations similar to those treated in the above rejection, and are met by the references as discussed above.

**6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.**

**In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action**

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for  
entry. Or:

(703) 746-6909, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).

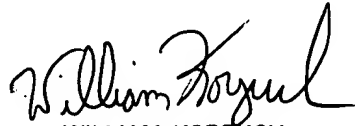
Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032 between 9:30 am to 6:00  
pm, Monday to Friday.

*KKC 7/4/03*

Kim-Kwok CHU  
Examiner AU2653  
July 2, 2003

(703) 305-3032

  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600